

PATENT
450100-4804.1REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 25, 27-29, 32-33 and 37 are in the present application. It is submitted that the claims, as originally presented, were patentably distinct over the prior art cited by the Examiner and are in full compliance with the requirements of 35 U.S.C. § 112. Changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 22-29, 32-45, and 48-53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimizaki et al. (U.S. Patent 6,160,950) in view of Yamamoto (U.S. Patent 5,815,333).

In the present invention, "said AV information signal and said memo data information signal are recorded in a ring storage structure." (Claims 25 and 37) This ring buffer aspect for storing the AV data and the memo data is supported in the specification at page 24, lines 13-19; page 26, lines 17-21; page 28, lines 8-19; and page 29, line 2. The ring storage structure feature applies to the AV data area and memo data area portions of the user data area shown in Figure 2.

The Examiner asserts the continuous recording feature of the present invention is met by Figure 6 of Shimazaki. Shimazaki's Figure 6 shows the recording position of the quantized speech level signal in a track adjacent to the recorded audio and video signal. (Column 6, Lines

PATENT
450100-4804.1

29-35) Hence, Shimazaki's signals are continuous only in that they are recorded in physically adjacent tracks. By contrast, the present invention records data in discrete files which do not correspond directly with the physical tracks on a recording medium. The continuity of the present invention's recorded data is within and between discrete areas of these files. For example, the present invention continuously records AV data in a ring storage structure within the user data area of each file. Hence, Shimazaki does not disclose "said AV information signal and said memo data information signal are recorded in a ring storage structure" as recited in the present claims. Moreover, neither Shimazaki nor Yamamoto discloses discrete areas within a file for recording AV data and memo data.

Therefore, for at least these reasons, Shimazaki and Yamamoto fail to obviate the present invention and the rejected claims should now be allowed.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

PATENT
450100-4804.1

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 

Darren M. Simon
Reg. No. 47,946
(212) 588-0800